

I hereby certify that this correspondence is being filed electronically on the date of my signature with the U.S. Patent and Trademark Office.

17 October 2006  
Date

Sharon A. Johnson  
Sharon A. Johnson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Attorney Docket No. 013869-9006-01

Application of

TOMOTHERAPY INCORPORATED

U.S. Serial No. 10/567,480  
(U.S. National Phase of  
PCT/US2004/025807)

International Filing Date: 9 August 2004

"STEREOTACTIC UPPER BODY  
FIXATION AND POSITIONING  
DEVICE"

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. §371 IN THE UNITED STATES**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

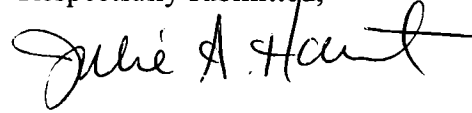
This is in response to the Notification of Missing Requirements under 35 U.S.C. §371 which was mailed 06 September 2006 and a copy of which is attached. Also attached is the Declaration and Power of Attorney.

The Notice of Missing Requirements indicates that additional claim fees of \$100 are due. Applicants respectfully disagree and note that an Article 34 amendment was filed during the International phase of this application. The Article 34 amendment cancelled originally filed claim 1 and new claims 2-21 were added. Of the new claims (claims 2-21), only claims 2, 16 and 19 are independent. Accordingly, no additional claim fees are due.

Charge the \$65.00 surcharge fee for the Declaration to Deposit Account No. 13-3080.

Also, charge the deposit account with any shortage or overpayment of the required fee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Julie A. Haut". The signature is fluid and cursive, with the first name "Julie" being more prominent.

Julie A. Haut  
Reg. No. 51,789

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue, Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560